

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

FEB - 7 2018

RODNEY E. UNSWORTH,

Plaintiff,

v.

Civil No. 2:16cv699

NANCY A. BERRYHILL,
Acting Commissioner,
Social Security Administration,

Defendant.

FINAL ORDER

Plaintiff Rodney E. Unsworth brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), seeking judicial review of the decision of the Acting Commissioner of the Social Security Administration (“the Commissioner”) to deny his claims for Disability Insurance Benefits under Title II of the Social Security Act and for Supplemental Social Security Income under Title XVI of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and by Order of Reference filed on February 28, 2017, this matter was referred to a United States Magistrate Judge for a Report and Recommendation (“R&R”).

In the R&R subsequently filed (ECF No. 18), the Magistrate Judge found that the Plaintiff’s Motion for Summary Judgment (ECF No. 13) should be GRANTED to the extent it seeks reversal and remand of the Commissioner’s decision and DENIED to the extent that it seeks entry of an order directing the award of benefits, that the Commissioner’s Motion for Summary Judgment (ECF No. 15) should be DENIED, and that the underlying decision of the

Commissioner should be VACATED AND REMANDED for further consideration in accordance with the reasoning of the R&R.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, “failure to file timely specific written objections to the . . . findings and recommendations [set forth in the R&R] will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations.” ECF No. 18 at 25.

This Court has reviewed the R&R (ECF No. 18) and hereby ADOPTS and APPROVES in full the findings and recommendations set forth therein. Accordingly, it is hereby ORDERED that the Commissioner’s Motion for Summary Judgment (ECF No. 15) is DENIED, Plaintiff’s Motion for Summary Judgment (ECF No. 13) is GRANTED IN PART AND DENIED IN PART, and the final decision of the Commissioner is VACATED AND REMANDED for further consideration. The Clerk is REQUESTED to send a copy of this Final Order to all counsel of record.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

February 7th, 2018
Norfolk, Virginia